THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.23170 OF 2007

DATED: 02-11-2007

BETWEEN

K. Jaya Raj,
S/o. Late K.D. John
R/o. 12-8-475,
Mettuguda,
Secunderabad.

...PETITIONER

AND

Greater Hyderabad Municipal
Corporation, Rep. by its Special
Officer, Hyderabad and others.

...RESPONDENTS

ORDER:

Petitioner submits that he is the owner of the house bearing No.12-8-475 in an extent of 171.50 sq. yards situated at Mettuguda, Secunderabad. While so, the officials of the Municipal Corporation made some marking on his house for the purpose of widening of the road. Petitioner further submits that no notice has been issued and no proceedings have been initiated for acquiring the land by way of an agreement under Section 146 of the Hyderabad Municipal Corporation Act, 1955 (for short 'the Act') or by way of compulsory acquisition of the property under Section 147 of the Act.

2. No doubt, widening of the road is for public purpose and if the petitioner is not inclined to give his consent for taking away any portion of his property for the purpose of widening of the road by availing appropriate benefits under

the relevant G.Os, the only course open to the respondents is to acquire the land under Section 147 of the Act.

3. Having regard to the facts and circumstances of the case, the respondents are directed not to dispossess the petitioner without following due process of law.

The writ petition is accordingly disposed of. There shall be no order as to costs.

V. ESWARAIAH, J

November 2, 2007
DSK